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<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	10/644,334	BREED ET AL.	
	Examiner	Art Unit	
	Brent A. Swarthout	2636	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to interview on 9-7-05.
2. ☒ The allowed claim(s) is/are 1,2,4-25,26,28-36,48-59,67.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>9-7-05</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance                                  |
|   | 9. <input type="checkbox"/> Other _____  |

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1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brian Roffe on 9-7-05.

Claims 27 and 60-66 are canceled.

Claim 26 has been amended as follows:

26. (Currently Amended) A method for controlling output of a classification algorithm which classifies an occupant of a seat in a vehicle, comprising:

initially classifying the occupant and outputting a current classification;

subsequently periodically re-classifying the occupant; and

enabling a change in the classification of the occupant upon satisfying pre-determined criteria; and

resetting the classification by classifying the occupant and outputting the classification, upon detection of a condition selected from a group consisting of motion of the vehicle and absence of motion of the vehicle,

the step of enabling a change in the classification of the occupant comprising:

determining a substantially consecutive period of time that the re-classification of the occupant is the same as the current classification;

detecting a change in classification and then determining a substantially consecutive period of time that the re-classification of the occupant is the changed classification; and

when the period of time in which the classification is the changed classification is greater than the period of time when the classification is the output classification, or greater than a predetermined time period, outputting the changed classification.

In claim 28, line 1 "27" was changed to – 26 --.

In claim 55, line 1 "claim 55" was changed to – claim 54 --.

In claim 57, line 1 " : " was deleted.

New claim 67 is added as follows:

67. (New) A method for controlling output of a classification algorithm which classifies an occupant of a seat in a vehicle, comprising:

initially classifying the occupant and outputting a current classification;

subsequently periodically re-classifying the occupant; and

enabling a change in the classification of the occupant upon satisfying predetermined criteria; and

resetting the classification by classifying the occupant and outputting the classification, upon detection of a condition selected from a group consisting of an empty seat, opening of a door, ignition of the vehicle, motion of the vehicle and absence of motion of the vehicle,

the step of enabling a change in the classification of the occupant comprising:

determining a substantially consecutive period of time that the re-classification of the occupant is the same as the current classification;

detecting a change in classification and then determining a substantially consecutive period of time that the re-classification of the occupant is the changed classification; and

when the period of time in which the classification is the changed classification is greater than the period of time when the classification is the output classification, outputting the changed classification.


2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fesser and Takafuji disclose vehicle safety systems.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent A Swarthout whose telephone number is 571-272-2979. The examiner can normally be reached on M-F from 6:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass, can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Brent A Swarthout  
Art Unit 2636

**BRENT A. SWARTHOUT**  
**PRIMARY EXAMINER**